

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. CV 10-03561 WHA

Plaintiff,

v.

**ORDER DENYING MOTION  
TO DISMISS AS MOOT AND  
VACATING HEARING**

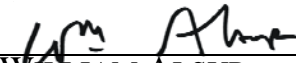
GOOGLE, INC.,

Defendant.

Due to the filing of an amended complaint by plaintiff Oracle America, Inc. and in light of defendant Google, Inc.'s response to the October 28 order to show cause, Google's pending motion to dismiss is **DENIED AS MOOT**. The hearing on the motion is **VACATED**. This order will leave for another day the question of whether and to what extent plaintiff's pending motion to dismiss and to strike may suffer a similar fate once Google's amended pleading is filed.

**IT IS SO ORDERED.**

Dated: November 1, 2010.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE